IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

AND
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO. 1877 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/10/2004 in WP NO : 16791 OF 2004 on the file of the High Court.)

Between:

Diocesan Educational Society, Kurnool, its Chairman

Most Rev.G. Johannes S/o Shri Augustine,

R/o Bishop Compound, Nandyal Road, Kurnool.

..... APPELLANT

AND

1 Government of Andhra Pradesh, rep. by Secretary to the Government, Education , Secretariat, Hyderabad.
2 Regional Joint Director, Intermediate Education, Kadapa, Kadapa

District.
3 P. Balaraja Reddy, (Erstwhile Jr. Lecturer in Chemistry, St. Mary's Junior College, Nandyal Road,Kurnool)

R/o H.No. 7/897,Syndicate Bank Colony, Behind Bishop's House, B-Camp, Kurnool.
4 Shri Anthony Raju, (Erstwhile Jr. Lecturer in English, St. Mary's Junior College, Nandyal Road,Kurnool)

R/o H.No. 18/636 Gaffoor Nagar, B-Camp, Kurnool.

.....RESPONDENTS

Counsel for the Appellant:MR.N.V.S.R.GOPALAKRISHNAMA CHARYULU

Counsel for Respondent Nos.1 and 2: GP FOR EDUCATION

Counsel for Respondent Nos.3 and 4:MR.P.INNAYYA REDDY.

The Court at the admission stage made the following Order: (per TMK,J)

This writ appeal is filed against the order dated 01.10.2004 passed in W.P.No.16791 of 2004 by a learned Single Judge of this Court.

The above writ petition is filed by the appellant herein, which is an Educational Society, seeking a direction to the first respondent to take up the stay petition filed by it on 13.09.2004 along with the appeal for hearing.

The learned Single Judge of this Court, after going into the merits of the case, directed the first respondent to take up the stay petition filed by the appellant/petitioner along with the appeal under Section 81 of the A.P. Education Act, 1982, (for short 'the Act') for hearing and pass appropriate orders by exercising the discretion according to the relevant provisions under the Act within a reasonable time.

Learned counsel for respondents 3 and 4 submitted that since four months have been elapsed from the date of passing of the order dated 12.8.2004, respondents 3 and 4 have to be reinstated as a consequence of the said order.

In view of the fact that the learned Single Judge has directed the first respondent to take up the stay petition along with the appeal for hearing and to pass appropriate orders within a reasonable time, we modify the order of the

learned Single Judge by directing the first respondent to pass appropriate orders on the stay petition along with the appeal filed by the appellant/petitioner in accordance with the provisions of the Act within a period of two months from the date of receipt of a copy of this order after affording opportunity of hearing to all the parties concerned.

The writ appeal is accordingly disposed of. No costs.

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T.MEENA KUMARI,J

29-12-2004

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S.ANANDA REDDY,J

Note:CC within one week

bo

Lvl/usd

To

1 The Secretary to the Government, Government of Andhra Pradesh, Education , Secretariat, Hyderabad.
2 The Regional Joint Director, Intermediate Education, Kadapa, Kadapa District.

3. Two CCs to G.P. for Education, High Court of A.P., Hyderabad (OUT).

4. Two CD copies.